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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,576	02/01/2001	Seizo Miyazaki	Q62956	2515

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EXAMINER

SY, MARIANO-ONG

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/774,576

Applicant(s)

MIYAZAKI, SEIZO

Examiner

Mariano Sy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12, 15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10-12, 15 and 17 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 1, 2003 has been entered.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 5, 6, and 7 recite the limitation "a tub portion" in line 2 was not disclosed in the specification. It is unclear if applicant is referring to "a knob part 135" on page 30, line 8.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Grafstrom et al. (U.S. Patent Number 5,119,446).

Re-claim 1 Grafstrom et al. discloses, as shown in fig. 2, a sealing member 8 adapted to a rolling bearing, wherein the rolling bearing comprises an inner ring 2, outer ring 1, and plurality of rolling elements 3 rotatably disposed and defines a space, and wherein the space is formed between inner circumferential surface of outer ring and outer circumferential surface of inner ring, said sealing member comprising: a first portion substantially covering at least a part of the end part of the space, and a second portion being press fit which can be readable as bonded and fixed to an axial direction extreme endmost surface of one of inner and outer rings.

Re-claim 8 Grafstrom et al. discloses, as shown in fig. 2, wherein the second portion is pressed fit which can be readable as bonded and fixed to the axial direction end surface with a predetermined detachable bonding force.

Re-claim 11 Grafstrom et al. discloses, as shown in fig. 2, a rolling bearing comprising: an inner 2 and outer ring 1; a plurality of rolling elements 3 rotatably disposed and defines a space which has one end part opening in an axial direction and is formed between inner circumferential surface of outer ring and outer circumferential surface of inner ring, a sealing member 8 including a first portion covering at least a part of the end part opening of the space, and a second portion being press fit which can be readable as bonded and fixed to an axial direction extreme endmost surface of one of inner and outer rings.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katakura et al. (U.S. Patent Number 6,038,205) in view of Grafstrom et al.

Re-claims 15 and 17 Katakura et al. discloses, as shown in fig. 2, a bearing device comprising: an axis side member including a cylindrical part 1b with an inner ring 3 mounted externally, an outward flange part 1 disposed on one end side in the axial direction; a housing 4 including a ring part 4a with an outer ring mounted internally, and an outward flange part disposed on the other end part in the axial direction; a rolling bearing disposed between said axis side member and said housing and having outside surface covered by said outward flange part 1; a sheet 11 covering a gap between inner and outer ring and disposed externally on an endmost side of the other end part in the axial direction, the sheet being press fit which can be readable as bonded on at least one of the outward flange part of the housing, the inner ring and the outer ring by a detachable bonding force; wherein it is inherent the bonded portion of the sheet can be removable by heating.

However Katakura et al. fail to disclose the sheet covering a gap between inner and outer ring and disposed externally on an extreme endmost side of the other end part in the axial direction.

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Grafstrom et al. teaches, as shown in fig. 2, a sheet 8 covering a gap between inner and outer ring and disposed externally on an extreme endmost side of the other end part in the axial direction.

It would have been obvious matter of design choice to have the sheet covering the gap between inner and outer ring and disposed externally on an extreme endmost side of the other end part in the axial direction as taught by Grafstrom et al. since both sheet would perform equally well of preventing any dust or particles from passing through.

7. Claims 2-4, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grafstrom et al. in view of Edwards et al. (U.S. Patent Number 5,270,887).

Re-claims 2, 10, and 12 Grafstrom et al. discloses, as shown in fig. 2, a sealing member 8 but failed to disclose wherein the sealing member comprise: a core layer, an aluminum film disposed on the core layer and an adhesive layer disposed on said aluminum film. Edwards et al. teaches the use of sealing tape 14 comprises: a core layer, an aluminum film disposed on the core layer and an adhesive layer disposed on said aluminum film, see col. 5, lines 21-24. It would have been obvious to one of ordinary skill in the art to have merely utilized the known sealing tape as sealing member of Grafstrom et al., in view of the teaching of Edwards et al., wherein both the sealing tape and sealing member have a common application of preventing any dust or particles from passing through on either side of the sealing member or tape.

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Re-claims 3 and 4 Grafstrom et al. discloses, as shown in fig. 1, 2, 5, wherein the sealing member is substantially formed into a circular or annular shape.

8. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: "said sealing member has a tub portion" in line 2 of claims 5-7 in which Examiner regards "the tub portion" reads on --knob part 135-- in the specification.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Neal (U.S. Patent Number 4,632,576) disclosed bearing units.

Clark et al. (U.S. Patent Number 5,017,024) disclosed a seal assembly.

Bundgart (U.S. Patent Number 6,062,734) disclosed a bearing seal.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427. The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached on (703) 3083421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



M. Sy

August 20, 2003



JACK LAVINDER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600